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Letter dated 16 January 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Panama, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

[Original: Spanish]

Letter dated 16 January 2002 from the Permanent Representative of Panama to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to transmit to you herewith the report of the Government of the Republic of Panama to the Counter-Terrorism Committee, submitted pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see appendix).

(*Signed*) Ramón A. **Morales Quijano**
Ambassador
Permanent Representative

Appendix

Republic of Panama

Report on steps taken pursuant to Security Council resolution 1373 (2001)

Panama, 31 December 2001

The Government of the Republic of Panama has the honour to submit to the United Nations Security Council, through the Counter-Terrorism Committee and pursuant to paragraph 6 of resolution 1373 (2001), its first report on the provisions in place and the steps taken to introduce new measures to counter international terrorism.

1. *Focal point*: The Office of the President of the Republic has designated the Council for Public Security and National Defence as the government entity competent to follow up and implement the measures adopted under resolution 1373 (2001) and as the Government's official focal point for the Counter-Terrorism Committee and for other States Members of the United Nations. The New York liaison is the Permanent Mission of Panama to the United Nations.

2. *Financial legislation*: Act No. 41 of 3 October 2000 added a section to the Penal Code characterizing money-laundering for terrorist activities as an underlying crime. Act No. 42 of the same date extended its scope to money-laundering to fund terrorism.

2.1 Article 389 of Act No. 41 provides as follows: "Anyone who receives, deposits, trades in, converts or transfers money, securities, property or other financial resources, in the full knowledge that they are derived from activities related to drug trafficking, fraud, illicit arms trafficking, trafficking in persons, kidnapping, extortion, embezzlement, corruption of public servants, terrorist acts, theft or international trafficking in vehicles, as provided for under Panamanian criminal law, with the aim of hiding or concealing their illicit origin or assisting in evading the legal consequences of such punishable acts shall be sentenced to 5 to 12 years' imprisonment and a fine of 100 to 200 days".

2.2 Article 1, paragraph 3, of Act No. 42 establishes that "irrespective of its amount, any transaction, which may be specifically linked to the laundering of money derived from illicit activities, as provided for by law, shall be subject to special scrutiny".

2.3 The Republic of Panama has no legislation as such which establishes procedures for the freezing of funds and/or assets used for the financing of terrorism. However, it is in the process of ratifying the International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations in 1999.

2.4 Executive Decree No. 1 of 3 January 2001 provides for the dissemination of information to monitoring and oversight bodies, in accordance with article 12 of the International Convention for the Suppression of the Financing of Terrorism.

2.5 Section III, entitled "Offences against the international community", of the Penal Code established by Act No. 18 of 22 September 1982, contains the following penalties for terrorist activities and the supply of weapons to terrorists:

Article 311:

"Anyone who participates in the destruction, in whole or in part, of a specific group of human beings, on grounds of their nationality, race or religious or political beliefs, shall be subject to 15 to 20 years' imprisonment.

The same penalty shall apply to anyone who, in order to destroy, in whole or in part, a specific group of persons and for the reasons described in the previous paragraph, commits any of the following acts:

1. Causes bodily or mental harm to members of those groups;

2. Places such groups at risk; ..."

Article 312:

"Anyone who recruits persons, stockpiles weapons or carries out other hostile acts not approved by the Government and undertaken within the territory of the Republic or abroad against another State, thereby exposing Panama to the risk of war or the breaking-off of international relations, shall be subject to three to six years' imprisonment.

If, as a consequence of the above-mentioned acts, war is declared on the Republic, the penalty shall be 10 to 15 years' imprisonment".

A preliminary bill adding to Title VII of the Penal Code a new section, under collective security offences, entitled "Offences of Terrorism and Possession, Trafficking and Stockpiling of Arms, Ammunition or Explosives" is also pending approval by the Legislative Assembly.

3. *Suppression of terrorist groups*: The Mission of Panama to the Organization of American States (OAS), based in Washington, D.C., is currently chairing the Committee on Hemispheric Security, through which an effective mechanism for the exchange of information has been established. Through this Committee, various resolutions condemning terrorist acts have been coordinated with the other member States. These include the Declaration of Solidarity from the House of the Americas (RC.2/DEC.1/01), "Strengthening hemispheric cooperation to prevent, combat and eliminate terrorism" (RC.23/RES1/01) and "Terrorist threat to the Americas" (RC.24/RES.1/01).

In addition, the Mission of Panama to OAS has resumed initiatives for the preparation of updated legal instruments that will make it possible to prevent and suppress terrorist activities effectively. To that end, the Office of the Chairman of the OAS Committee on Hemispheric Security and the Conference on Hemispheric Security proposes to establish, as suggested by the President of Mexico, Mr. Vicente Fox, on 7 September 2001, a new framework for hemispheric security that is consistent with the realities of our time and therefore based, ideally, on the model of human security which Canada and Panama have adopted. The suggested framework for hemispheric security seeks to be broad and flexible in recognizing the existence of new, unconventional threats which need to be addressed.

4. *Conventions and protocols*: The Republic of Panama is a party to numerous conventions and several protocols against terrorism which are binding and require strict compliance, as stipulated in article 4 of the National Constitution. In addition, article 313, section III, of the Penal Code characterizes non-compliance with such

agreements as an offence. The international instruments on terrorism to which Panama has acceded are the following:

- Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 14 September 1963);
- Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 16 December 1970);
- OAS Convention to Prevent and Punish Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance (Washington, D.C., 2 February 1971);
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 14 December 1973);
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 23 September 1971);
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 24 February 1988);
- Convention on the Physical Protection of Nuclear Material (Vienna, 3 March 1980);
- International Convention against the Taking of Hostages (New York, 17 December 1979);
- Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1 March 1991);
- Convention on the Safety of United Nations and Associated Personnel (New York, 9 December 1994);
- International Convention for the Suppression of Terrorist Bombings (New York, 15 December 1997).

5. *Additional measures*: The Republic of Panama has taken the steps necessary to adopt the following additional measures:

- Ratification of the four United Nations instruments against terrorism currently awaiting signature and/or ratification, namely: (i) the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 10 March 1988); (ii) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, 10 March 1988); (iii) the International Convention for the Suppression of the Financing of Terrorism (New York, 9 December 1999); and (iv) the United Nations Convention against Transnational Organized Crime (New York, United Nations, 15 December 2000).
- Ratification, with a view to contributing to the establishment of an international system of justice, of the Rome Statute, which defines terrorism as a crime against humanity in accordance with the principle of international criminal justice, establishes a single universal jurisdiction, replaces extradition

by the surrender of perpetrators of crimes against humanity and establishes an International Criminal Court.

- Participation in any effort made by the United Nations to draft and urgently adopt an International Convention on Terrorism which standardizes concepts, includes norms regulating types of police and judicial investigation and cooperation, removes all impediments to investigation in countries or enclaves lacking fiscal transparency and includes the obligation to disclose accounts, property and the owners thereof.

6. *Migration measures*: The Council for Public Security and National Defence of the Republic of Panama is drafting a report on migration and security controls which will be transmitted shortly to the Counter-Terrorism Committee of the United Nations Security Council.